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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ERIC V. ERICKSON, JOHN L. GRIFFIN, TIMOTHY T. GRONKOWSKI, SEAN P. KELLY, DAVID M. PRYOR, ALFRED THOMAS, and MARTIN R. UGARTE JR

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Appeal 2015-002077
Application 12/945,443
Technology Center 2800

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Before CATHERINE Q. TIMM, KAREN M. HASTINGS, and DEBRA L. DENNETT, *Administrative Patent Judges*.

HASTINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants[1] seek our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 1–9, 11, 12, and 14–27. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] Appellants identify the real party in interest as "WMS Gaming, Inc." (App. Br. 1).

Claims 1 and 8 are illustrative of the subject matter on appeal (emphasis added to highlight key limitations for purposes of this appeal):

1. A computer-implemented method comprising:

presenting a light show design map on a user interface;

presenting a first type of lighting device object and a second type of lighting device object on the light show design map, *wherein the first type of lighting device object corresponds to a first type of lighting hardware device in a casino, wherein the second type of lighting device object corresponds to a second type of lighting hardware device in the casino, wherein the first type of lighting hardware device is configured to present light effects using a first lighting control format different from a second lighting control format used by the second type of lighting hardware device*, wherein the first type of lighting device object is assigned to the first lighting control format and has a graphical appearance that corresponds to a physical appearance of the first type of the lighting hardware device, wherein the second type of lighting device object is assigned to the second lighting control format and has a graphical appearance that corresponds to a physical appearance of the second type of the lighting hardware device, and wherein the physical appearance of the second type of lighting hardware device is different from the physical appearance of the first type of the lighting hardware device;

configuring light effects for the first type of lighting device object and for the second type of lighting device object according to user input via the user interface;

*generating light show control data in a common data format for both the first type of lighting device object and the second type of lighting device object*;

*converting the light show control data from the common data format to first hardware specific lighting control instructions that comply with the first lighting control format; and*

*converting the light show control data from the common data format to second hardware specific lighting control instructions that comply with the second lighting control format.*

8. One or more non-transitory, machine-readable storage media having instructions stored thereon, which when executed by a set of one or more processors causes the set of one or more processors to perform operations comprising:

receiving synchronized light show control data in a common data format, wherein the synchronized light show control data includes lighting control instructions for presenting light effects for a casino light show on both a first lighting hardware device and a second lighting hardware device in a casino, *wherein the first lighting hardware device operates using a first lighting control format and the second lighting hardware device operates using a second lighting control format, wherein the second lighting control format is different from the first lighting control format*;

converting the common data format of the synchronized light show control data *to a first set of converted lighting control instructions that comply with the first lighting control format for the first lighting hardware device, and a second set of converted lighting control instructions that comply with the second lighting control format for the second lighting hardware device*;

controlling a first set of light effects for the casino light show on the first lighting hardware device using the first set of converted lighting control instructions;

controlling a second set of light effects for the casino light show on the second lighting hardware device using the second set of converted lighting control instructions;

detecting a common light show presentation schedule stored in the synchronized light show control data;

presenting the casino light show on the first lighting hardware device and the second lighting hardware device according to the common light show presentation schedule;

determining at least one required presentation format for at least one presentation element on a player owned device;

converting one or more of the first set of lighting control instructions and the second set of lighting control instructions to a converted set of presentation instructions for the at least one required presentation format; and

providing the converted set of presentation instructions to the player owned device to present at least one effect for the casino light show on the at least one presentation element of the player owned device according to the

common light show presentation schedule.

Appellants appeal the following rejections under 35 U.S.C. § 103(a):[2]

I. claims 1–4, 6, and 7 as unpatentable over the combined prior art of Morgan et al. (US 7,139,617 B1 issued Nov. 21, 2006) and Oberberger et al. (US Publication 2006/0252530 A1 published Nov. 9, 2006);

II. claims 8–10, 12, and 14 as unpatentable over the combined prior art of Chemel (US 7,495,671 B2 issued Feb. 24, 2009) and Oberberger;

III. claim 5 as unpatentable over the combined prior art of Morgan, Oberberger, and Chemel;

IV. claims 15–22 as unpatentable over the combined prior art of Chemel, Oberberger, and Satoh (US 2004/0062025 A1 published Apr. 1, 2004);

V. claims 23–25 and 27 as unpatentable over the combined prior art of Chemel, Oberberger, and Morgan;

VI. claim 26 as unpatentable over the combined prior art of Chemel, Oberberger, and Morgan, and Borrisov (US 2010/0120518 A1 published May 13, 2010).

Appellants mainly argue the claims in each of rejections I, II, IV, and V as a group, and focus their arguments on limitations of independent claims 1, 8, 15 (along with 20), and 23 (*e.g.*, App. Br. 28), stating that "Claim 20 includes a number of elements similar to claim 15" (*id.*). Appellants rely upon the arguments for claims 1 and 8 for rejection V as well (App. Br. 29, 30). Appellants rely upon the arguments for claims 1 and 8 for rejection III (App. Br. 20). Appellants rely upon the arguments for claim 23 for rejection VI (App. Br. 30).

[2] The Examiner withdrew all of the rejections made under 35 U.S.C. § 112 (Ans. 2).

ANALYSIS

Upon consideration of the evidence on this record and each of Appellants' contentions, we find that the preponderance of evidence on this record supports the Examiner's conclusion that the subject matter of Appellants' claims is unpatentable over the applied prior art. We sustain the Examiner's § 103 rejections because we are unpersuaded of reversible error in the Examiner's determination of obviousness essentially for the reasons set out by the Examiner in the Answer.

We add the following primarily for emphasis.

It has been established that "the [obviousness] analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex* Inc., 550 U.S. 398, 418 (2007); *see also In re Fritch*, 972 F.2d 1260, 1264–65 (Fed. Cir. 1992) (a reference stands for all of the specific teachings thereof as well as the inferences one of ordinary skill in the art would have reasonably been expected to draw therefrom).

With respect to the § 103 rejection of claim 1, Appellants' argument that Morgan does not teach or suggest two different lighting devices with different lighting control formats is unpersuasive (App. Br. 11-13). To the contrary, Morgan explicitly teaches multiple different lighting devices may be used (col. 7, ll. 22-35). Morgan also refers to multiple lighting data formats (Morgan, col. 10, ll. 18-35). One of ordinary skill would have reasonably inferred that multiple different formats may be used as desired or necessary for different lighting hardware.

Likewise, Appellants' arguments that Morgan does not teach the two conversion steps required in claim 1 (e.g., App. Br. 12, 13; Reply Br. 5-9) are not persuasive for reason set out by the Examiner (e.g., Ans. 2, 3). Appellants have not directed our attention to any persuasive reasoning or credible evidence to establish that the Examiner's interpretation that the claim encompasses Morgan's intermediate format as the common format for the first conversion step of the multiple lighting control formats to a common format, and the master/slave (subcontrollers) system as the second conversion step, is unreasonable. *In re ICON Health & Fitness, Inc.*, 496 F.3d 1374, 1379 (Fed. Cir. 2007) (it is well established that "the PTO must give claims their broadest reasonable construction consistent with the specification" and if the Specification does not provide a definition for claim terms, the PTO applies a broad interpretation).

Accordingly, we affirm rejection I.

With respect to rejection II, Appellants argue that Chemel does not disclose using multiple lighting control formats (App. Br. 18, 19; Reply Br. 10). However, as the Examiner points out, Chemel lists multiple different lighting control formats (e.g., Ans. 4, 5; Chemel Fig. 17). One of ordinary skill would have reasonably inferred from the listing of multiple different lighting control formats that more than one such format may be used for a light show with coordinated complex lighting effects (e.g., Chemel, col. 1, ll. 25-34).

Accordingly, we affirm rejection II.

Appellants rely upon the arguments for claims 1 and 8 for rejection III (App. Br. 20). Accordingly, we also affirm rejection III.

With respect to rejection IV, Appellants' arguments that Chemel does not disclose a preset timing pattern are unpersuasive (App. Br. 24- 26; Reply Br. 12-16). One of ordinary skill in the art would have readily inferred from Chemel's goal of a complex coordinated lighting show that preset lighting timing patterns would have been chosen. Furthermore, as pointed out by the Examiner, Chemel discloses a graphical user interface wherein a user may create a complex light show with multiple lighting effects along a timeline (Ans. 6; e.g., Chemel Fig. 44, col. 41, l. 46 to col. 42, l. 43).

Accordingly, Appellants have not shown error in rejection IV.

With respect to claim 23 (rejection V), to the extent that Appellants rely upon the arguments for claims 1 and 8 (App. Br. 29, 30), a preponderance of the evidence supports the Examiner's obviousness conclusion. Appellants then rely upon the argument for claim 23 for rejection VI (App. Br. 30).

Accordingly, Appellants have not shown error in rejections V and VI.

In summary, on this record, Appellants have not shown reversible error in the Examiner's determination that one of ordinary skill in the art, using no more than ordinary creativity, would have used multiple known lighting control formats as exemplified in either of Morgan and Chemel for a complex light show. *KSR Int'l Co.*, 550 U.S. at 417 (2007) (the predictable use of known prior art elements performing the same functions they have been known to perform is normally obvious; the combination of familiar elements is likely to be obvious when it does no more than yield predictable results); *Ball Aerosol and Specialty Container, Inc. v. Limited Brands, Inc.*, 555 F.3d 984, 993 (Fed. Cir. 2009) (Under the flexible inquiry set forth by the Supreme Court, the PTO must take account of the "inferences and

creative steps," as well as routine steps, that an ordinary artisan would employ).

Consequently, after consideration of Appellants' arguments, we are unpersuaded of reversible error in the Examiner's determination of obviousness. Accordingly, we affirm the Examiner's prior art rejections under 35 U.S.C. § 103(a) of all the claims on appeal for the reasons given above and presented by the Examiner.

## DECISION

The Examiner's § 103 rejections (Rejections I–VI) are affirmed.

## TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1).

## AFFIRMED